

Message Text

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ACTION SS-25

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P R 141531Z OCT 76

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC PRIORITY 9853

AMEMBASSY GEORGETOWN PRIORITY

INFO AMEMBASSY BRIDGETOWN

AMEMBASSY KINGSTON

AMEMBASSY CARACAS

C O N F I D E N T I A L PORT OF SPAIN 2696

EXDIS

CARACAS ALSO PASS LEGATT

E.O. 11652: GDS

TAGS: PFOR, PINS, TD, GY, BB

SUBJECT: TRINIDADIAN ACTIONS IN CUBANA SABOTAGE INVESTIGATION

REF: (A) GEORGETOWN 2045 AND 2046, (B) PORT OF SPAIN 2622

1. PRIME MINISTER BURNHAM'S CONFUSION AT TRINIDADIAN GOVERNMENT ATTITUDES TOWARD THE PROSECUTION OF THE CUBANA CRASH SUSPECTS IS UNDERSTANDABLE. WE ARE ONLY SLIGHTLY LESS CONFUSED HERE. THE SITUATION IS ENDEMIC TO THE "CLOSE TO THE CHEST" MANNER IN WHICH GOVERNMENT DECISIONS ARE MADE UNDER ERIC WILLIAMS AND WILL CONTINUE TO BE SO MADE AS LONG AS WILLIAMS IS PRIME MINISTER. DIALOGUE IS NOT IN THE VOCABULARY.

2. FROM NUMEROUS BITS AND PIECES, HOWEVER, WE ARE GAINING THE DISTINCT IMPRESSION THAT THE GOTT DOES NOT WISH TO PROSECUTE HERE IF POSSIBLE BECAUSE IT DOES NOT WANT TO ADMIT THAT THE CRIME WAS COMMITTED HERE. IN OTHER WORDS, THE GOVERNMENT WOULD LIKE NOT TO HAVE TO ADMIT THAT LOCAL AIRPORT SECURITY COULD HAVE BEEN LAX ENOUGH FOR THE CULPRITS TO BOARD THE AIRCRAFT IN
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TRINIDAD WITH THE BOMB MATERIALS IN THEIR CABIN BAGGAGE, AS

SEEMS TO BE WHERE THE INVESTIGATION WAS POINTING.
DECISIONS ON THE INVESTIGATION HAVE DEFINITELY
ESCALATED FROM THE POLICE LEVEL TO THE POLITICAL LEVEL,
AND THIS MEANS WILLIAMS PERSONALLY.

3. THE ABOVE CONCLUSIONS ARE SOMEWHAT CIRCUMSTANTIAL,
HOWEVER, AND IN ANY CASE I DON'T BELIEVE WE ARE IN A
POSITION FOR OUR EVALUATION OF TRINIDADIAN ACTIONS TO
BE CONVEYED TO BURNHAM. HOWEVER, I SEE NO OBJECTIONS
IF EMBASSY GEORGETOWN WISHES TO CHARACTERIZE
EMBASSY PORT OF SPAIN'S ACTIONS AND CONTACTS WITH THE
GOTT ALONG THE LINES NOTED BELOW.

4. CATEGORICALLY IT MAY BE STATED THAT AT NO TIME
AND IN NO FASHION HAVE WE GIVEN ANY ELEMENT OF THE
TRINIDAD AND TOBAGO GOVERNMENT GROUNDS FOR BELIEVING
WE WISHED THE INVESTIGATION OF THE SABOTAGE SUSPECTS
TO BE CIRCUMSCRIBED IN ANY WAY. WE HAVE INDEED
INDICATED JUST THE OPPOSITE. WE HAVE SOUGHT TO PROVIDE
WHATEVER HELPFUL INFORMATION WE COULD TO ASSIST IN
THE POLICE INVESTIGATION. EARLY ON, WE INFORMALLY
CALLED THE ATTENTION OF THE POLICE TO TRINIDAD'S
RESPONSIBILITY UNDER THE MONTREAL CONVENTION (REFB)
TO PROSECUTE OR EXTRADITE THE ALLEGED CULPRITS IN AN
AIRCRAFT SABOTAGE CASE.

5. ON OCTOBER 9, WHEN I PROVIDED TO MINISTRY OF
EXTERNAL AFFAIRS PERMANENT SECRETARY SEIGNORET THE
TEXT OF THE DEPARTMENT SPOKESMAN'S STATEMENT, I
ORALLY ASSURED HIM OF OUR INTEREST IN DOING EVERYTHING
WE COULD TO ASSIST IN BRINGING ANYONE RESPONSIBLE FOR
TERRORISM TO JUSTICE AND COMPLIMENTED THE TRINIDADIAN
POLICY ON HAVING BEEN ABLE TO APPREHEND SUSPECTS IN
THE PRESENT INSTANCE. LESS FORMALLY, IN A SUBSEQUENT
CONVERSATION WITH THE CHIEF OF POLITICAL AFFAIRS IN
THE FOREIGN MINISTRY (DR. LENNOX BALLAH) I ALLUDED TO THE
CONTINUING DOUBTS EXPRESSED IN THE PRESS AS TO WHETHER
THE SUSPECTS COULD BE PROSECUTED IN TRINIDAD AND
ASKED BALLAH IF HE HAD LOOKED INTO THE PROVISIONS
OF THE MONTREAL CONVENTION, WHICH SEEMED TO GIVE
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TRINIDAD ADEQUATE AUTHORITY TO PROSECUTE EVEN IF
NO DIRECT ACTS WERE COMMITTED WITHIN TRINIDADIAN
JURISDICTION. (NOTE: MY PURPOSE IN DOING THIS WAS
BOTH TO CONTINUE TO SHOW AN ATTITUDE OF USG CONCERN
THAT TERRORISTS NOT GO FREE AND TO SMOKE OUT JUST
WHY THE DOUBTS ON PROSECUTION LOCALLY WERE BEING
SUSTAINED.)

6. BALLAH INDICATED THAT THE GOVERNMENT HAD INDEED STUDIED THE MONTREAL CONVENTION CAREFULLY AFTER THE CRASH, BUT HAD CONCLUDED THAT THROUGH FAILURE EVER TO HAVE PASSED A LOCAL STATUTE GIVING VALIDITY TO THE TREATY COMMITMENT THE GOTT DID NOT FEEL IT COULD RELY ON THE TREATY IN FILING A PROSECUTION. IN OTHER WORDS, A RATIFIED TREATY UNDER TRINIDADIAN LAW AND PRACTICE IS STILL NOT OPERATIVE INTERNALLY UNTIL A DOMESTIC STATUTE IS PASSED. BALLAH SPOKE OF THIS AS A "DEFECT" IN THE TRINIDAD AND TOBAGO CONSTITUTION. MEANWHILE, HOWEVER, A CLEVER DEFENSE ATTORNEY UNDER TRINIDADIAN LAW WOULD PROBABLY WIN A CASE WHICH SOUGHT TO RELY ON THE RIGHTS GRANTED TO THE GOTT UNDER THE TREATY TO PROSECUTE AIRCRAFT SABOTAGE PERPETRATORS FOUND WITHIN ITS JURISDICTION. BALLAH INDICATED THE GOVERNMENT WAS THEREFORE IN SOMETHING OF A QUANDARY, SINCE TO EXTRADITE TO CUBA WOULD BE TO TURN THE SUSPECTS OVER TO A POLITICAL SHOW TRIAL, AND BARBADOS WAS RESISTING ACCEPTING JURISDICTION. WHAT BALLAH DID NOT SAY, BUT WHICH WE HAVE SURMISED FROM A NUMBER OF CONVERSATIONS AS NOTED ABOVE, WAS THAT PRIME MINISTER WILLIAMS DOES NOT WANT THE PROSECUTION TO HAVE TO BE BASED ON THE SUSPECTS ALLEGEDLY HAVING BOARDED THE PLANE IN TRINIDAD WITH THE BOMB.

7. THE AMBASSADOR TALKED PRIVATELY AND SEPARATELY WITH TWO MEMBERS OF THE CABINET THIS PAST WEEK: ERROL MAHABIR AND GEORGE CHAMBERS. ALTHOUGH THE CONVERSATIONS WERE NOT PRIMARILY RELATED TO THE CUBANA CRASH, IT WAS MENTIONED IN EACH INSTANCE AND THE AMBASSADOR GAVE CLEAR ASSURANCES OF OUR NON-INVOLVEMENT IN FOMENTING ANY TERRORIST ACTIVITY AND OUR CONCERN THAT THOSE RESPONSIBLE BE PUNISHED. CONFIDENTIAL

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WE HAVE HAD NO HINTS FROM ANY RESPONSIBLE GOTT OFFICIAL TO THE EFFECT THAT THE GOVERNMENT HERE IN ANY WAY SUSPECTS USG COMPLICITY. OUR PROBLEM IN THE LATTER REGARD HAS LARGELY BEEN IN THE PUBLIC MEDIA WHERE THE CONSTANT REPETITION OF REFERENCES TO MIAMI-BASED ORGANIZATIONS WAS LARGELY UNLEAVENED WITH PUBLIC EXPRESSIONS OF USG CONCERN OR DISMAY FOR THIS PARTICULAR TERRORIST INCIDENT.

8. OUR CONTACTS WITH REGARD TO THE CUBANA CRASH HAVE THEREFORE BEEN PRIMARILY WITH FOREIGN MINISTRY AND POLICE OFFICIALS AND SECONDARILY WITH SOME MEMBERS OF THE CABINET. PRIME MINISTER WILLIAMS HAS HAD NO CONTACT WITH US ON THIS MATTER AT ALL. RICH

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